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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,469	07/13/2004	JOSEPH FRANKLIN FRASCA		4468

29775 7590 12/22/2005

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EXAMINER

HAYES, BRET C

ART UNIT PAPER NUMBER

3641

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/710,469	FRASCA, JOSEPH FRANKLIN	
	Examiner	Art Unit	
	Bret C. Hayes	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>13 JUL 04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 1 – 14 are objected to because of the following informalities.
2. The claims contain myriad errors, a selection of which follows:
 - a. the word “breach” has been used throughout to mean --breech--; the objection to the specification is due to this word usage throughout;
 - b. c1 begins with “electromagnetic”, which should be capitalized;
 - c. c1 also recites “devices” in line 1, this should be the singular, --device--;
 - d. page 2 of c1, at line 10, “it” should be --its--;
 - e. page 3 of c1, at line 6, “then” should be --than--; and,
 - f. c13 and c14 repeat the preamble.

This listing is not meant to be exhaustive. Applicant(s) is advised to revisit and revise the entirety of the claims to better distinguish the claimed invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1 – 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. While they do not appear to be a literal translation into English from a foreign document, they are replete with grammatical and idiomatic errors (see objections above).

6. Claim 1, page 3, lines 24 – 26, “the wall conductor assembly forward wall conductor contact means” appears to lack antecedent basis in the claims. Examiner could not find where such “a...contact means” was previously recited, but perhaps this is an oversight. Also, note that other of the claims include this recitation as well.

7. Further, claim 1, page 4, line 1, recites the limitation “said contact means”, which is understood to be aforementioned “...wall conductor contact means”, but may also be a reference to the recitation at page 2, lines 19 & 20 of “an electrical contact means”. For clarity, examiner suggests revising to include the entirety of the recitation of --the wall conductor assembly forward wall conductor contact means--, because the claim will further recite other “contact means” limitations as well. This ‘entirety’ approach is recommended for all such recitations.

8. Further still, claim 1, page 4, lines 16 – 18, recites the limitation “the wall conductor contact means has sequentially with successive wall conductors comprising forward wall conductor of the wall conductor assembly”, which is unclear. How can ‘successive wall conductors’, be comprised of apparently singular ‘forward wall conductor’? Note, this limitation is repeated at page 5, lines 2 & 3, for example.

9. Even further, claim 1, page 7, at lines 8, 11 and 13, recites the limitation “extant”, which is unclear. The term archaically means “to stand out or above”, but more usually means “currently in existence or existing”. The specification does nothing to further define this term. It is noted that for examination purposes, the term will be taken to mean standing out or above.

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10. Claim 2, line 1 recites "A", which should be --An--; and, "as in 1", which should be --as in claim 1--, for example.

11. Claims 7 – 10, 13 and 14 recite "however", at lines 1 or 2, which is not clear in context.

12. The above is not intended to be an exhaustive listing, but rather exemplary only.

Applicant(s) would do well to revisit and revise the entirety of the claims for such errors.

Allowable Subject Matter

13. Claims 1, 3 and 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

14. Claims 2, 4 – 10 and 12 – 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902 or email address bret.hayes@uspto.gov. The examiner can normally be reached Monday through Thursday from 5:30 am to 4:00 pm, Eastern Standard Time.

The Central FAX Number is **571-273-8300**.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached at (571) 272 – 6873.

bh

16-Dec-05


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER